

**RESOLUTION #16-03**

**A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 219-EQUIPMENT NOT REQUIRING A PERMIT AND DIRECTING STAFF ACTIONS.**

On, October 18, 2016, on motion by Member LAWSON, seconded by Member HOFBAUER, and carried, the following resolution is adopted:

**WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

**WHEREAS**, the Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin; and

**WHEREAS**, SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them; and

**WHEREAS**, on January 1, 2002 the AVAQMD was formed pursuant to statute (H&S Code §§41300 et seq) to replace the AVAPCD; and

**WHEREAS**, the rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them; and

**WHEREAS**, the AVAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook; and

**WHEREAS**, this rule sets forth which equipment is too small to need a permit; and

**WHEREAS**, proposed amendments will clarify existing policies and may potentially require several permits at a minority of facilities; and

**WHEREAS**, the AVAQMD amended Rule 219 on January 18, 2011 to implement portions of the provisions of Senate Bill 700 of 2002 (SB700) by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources; and

**WHEREAS**, subsequent to this amendment, the California Air Resources Board (CARB) provided a more detailed interpretation on the provisions in SB 700 relating to the permitting thresholds for minor agricultural sources; and

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1       **WHEREAS**, SB 700 requires districts in California to permit agricultural sources with actual  
2 emissions at or above one half the major source threshold and prohibits districts from permitting  
3 agricultural sources with actual emissions less than one half the major source threshold; and

4       **WHEREAS**, CARB had never defined which major source threshold should be referred to for  
5 permitting agricultural sources ((1) the State Implementation Plan (SIP)-approved threshold, (2) the most  
6 recent locally adopted threshold, or (3) the threshold corresponding with the current federal attainment  
7 status in 40 CFR 81.305); and

8       **WHEREAS**, CARB has clarified that the permitting threshold for minor agricultural sources  
9 should be the most stringent of any major source threshold; and

10       **WHEREAS**, the AVAQMD must now amend Rule 219 in accordance with the CARB  
11 interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major  
12 source threshold; and

13       **WHEREAS**, the exemption for welding is proposed for modification to reflect requirements in  
14 the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source*  
15 *Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including  
16 welding; and

17       **WHEREAS**, language has been added to address welding operations that have the potential to  
18 emit Hazardous Air Pollutants (HAP), including cadmium, chromium, lead, manganese or nickel, and  
19 proposed rule language has been derived from SCAQMD Rule 219 and 40 CFR Part 63 National  
20 Emissions Standards for HAPs: Area Source Standards for Nine Metal Fabrication and Finishing Source  
21 Categories; and

22       **WHEREAS**, spray coating equipment is being modified to add flexibility to allow spray  
23 equipment for high viscosity coatings and their transfer efficiency requirements; and

24       **WHEREAS**, the proposed amendments to Rule 219 are necessary to address a more detailed  
25 interpretation by CARB of Senate Bill (SB) 700 provisions and to update Rule 219 provisions applying to  
26 welding and coating or adhesive application or laminating equipment; and

27       **WHEREAS** the District has the authority pursuant to California Health and Safety Code (H&S  
28 Code) §40702 to adopt, amend or repeal rules and regulations; and

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1       **WHEREAS**, the proposed amendments to Rule 219 are clear in that they are written so that the  
2 persons subject to the rule can easily understand the meaning; and

3       **WHEREAS**, the proposed amendments to Rule 219 are in harmony with, and not in conflict with  
4 or contradictory to any state law or regulation, federal law or regulation, or court decisions; and

5       **WHEREAS**, they do not interfere with any federal applicable requirement concerning attainment  
6 or Reasonable Further Progress (RFP) pursuant to the Federal Clean Air Act (FCAA); and

7       **WHEREAS**, the proposed amendments do not impose the same requirements as any existing state  
8 or federal regulation because the proposed amendment to Rule 219 does not impose the same  
9 requirements as an existing state or federal law or regulation; and

10       **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code  
11 §40725, concerning the proposed amendments to Rule 219; and

12       **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the  
13 proposed amendments to Rule 219, completed in compliance with the California Environmental Quality  
14 Act (CEQA), has been presented to the AVAQMD Board; each member having reviewed, considered and  
15 approved the information contained therein prior to acting on the proposed amendments to Rule 219, and  
16 the AVAQMD Board having determined that the proposed amendments will not have any potential for  
17 resulting in any adverse impact upon the environment; and

18       **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

19       **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds  
20 that the proposed amendments to Rule 219- Equipment Not Requiring a Permit are necessary, authorized,  
21 clear, consistent, non-duplicative and properly referenced; and

22       **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a  
23 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of  
24 Exemption for the proposed amendments to Rule 701; and

25       **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to  
26 the authority granted by law, the proposed amendments to Rule 219, as set forth in the attachments to this  
27 resolution and incorporated herein by this reference; and

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**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption, that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

**PASSED, APPROVED AND ADOPTED** by the Governing Board of the Antelope Valley Air Quality Management District by the following vote:

AYES: 7                      MEMBER: CRIST, LAWSON, MANN, CHELETTE, HAWKINS, DISPENZA  
HOFBAUER.

NOES: MEMBER:

ABSENT: 1                      MEMBER: LEDFORD

ABSTAIN:                      MEMBER:

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS:

I, Crystal Goree, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of October 18, 2016.

Crystal Gorce  
Deputy Clerk of the Governing Board,  
Antelope Valley Air Quality Management District.